

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

<p>JEFFREY SCHREIBER; RICHARD COLONY; and KAY VREDEVELD, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>MAYO FOUNDATION FOR MEDICAL EDUCATION AND RESEARCH,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:22-cv-188</p> <p>Honorable Hala Y. Jarbou Mag. Ray Kent</p>
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**JOINT MOTION TO MODIFY INTERIM DEADLINES IN THE
CASE MANAGEMENT ORDER FOR THE FIRST TIME**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiffs Jeffrey Schreiber, Richard Colony, and Kay Vredeveld (“Plaintiffs”) and Defendant Mayo Foundation for Medical Education and Research (“Defendant”) hereby move the Court for the first time to modify certain interim deadlines in the Case Management Order (ECF No. 23). Specifically, the Parties jointly request that the Court extend the deadlines for Plaintiffs’ Motion for Class Certification and for the Parties’ exchange of expert reports by 90 days. The proposed modifications do not impact the discovery deadline or the trial date. In support of the Joint Motion, the Parties state as follows:

1. On January 17, 2023, the Court issued a Case Management Order (ECF No. 23) setting case deadlines, including October 18, 2023 for Plaintiffs’ Expert Reports, October 30, 2023 for Plaintiffs’ Motion for Class Certification, November 19, 2023 for Defendant’s Expert Reports, March 1, 2024 for the completion of discovery, and November 18, 2024 for the trial.

2. Since that time, the Parties have diligently conducted discovery and have not requested a stay or a modification of the Case Management Order.

3. On July 27, 2023, by stipulation of the Parties pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff Jeffrey Schreiber filed a Second Amended Complaint adding Plaintiffs Richard Colony and Kay Vredevelde as named plaintiffs to the action (ECF No. 49).

4. On August 10, 2023, Defendant filed an Answer to the Second Amended Complaint (ECF No. 50).

5. Throughout the pendency of the action, and pursuant to their obligations under Rule 26, the Parties have discussed the possibility of resolution. To that end, on April 17, 2023, the Parties participated in a settlement conference with Magistrate Judge Kent, which was unsuccessful. Now, after months of additional fact discovery, the Parties have agreed to participate in a private mediation with The Honorable Gerald E. Rosen (Ret.) of JAMS Detroit. The mediation will take place on October 27, 2023, which was the earliest mutually-available date.

6. The mediation with Judge Rosen will be the first mediation the Parties attend in this case. This case has not been stayed or has the Case Management Order been otherwise modified for mediation, or any other purpose.

7. In order to preserve the Parties' and the Court's resources, the Parties respectfully submit this first request to extend deadlines, and specifically request that the Court extend the deadlines for Plaintiffs' Motion for Class Certification and for the Parties' exchange of expert reports by 90 days, so that they can focus their efforts on the upcoming mediation. The requested extension will not impact the discovery deadline or the trial date.

8. Without the requested extension to the schedule, the Parties will have to expend significant resources to conduct depositions, including of third-party witnesses, prepare expert

reports, and brief a Motion for Class Certification, all of which would be moot by a settlement at the forthcoming mediation.

9. Additionally, because the Second Amended Complaint added two new plaintiffs, the Parties need to complete discovery specific to those plaintiffs as well.

10. The Parties are cognizant that the Court is normally unwilling to stay cases, and for that reason they do not request a stay. However, the Parties believe that a modest 90-day extension of the deadlines for Plaintiffs' Motion for Class Certification and for the Parties' exchange of expert reports (which again are interim deadlines that do not impact the discovery deadline or the trial date) would be in the interest of judicial economy.

11. Accordingly, the Parties jointly request that the Court modify the deadlines in the Case Management Order as follows (proposed Order providing the same attached as **Exhibit A**):

- a. Plaintiffs' Expert Disclosures shall be due on January 16, 2024;
- b. Plaintiffs' Motion for Class Certification shall be due on January 29, 2024;
- c. Defendant's Expert Disclosures shall be due on February 16, 2024.
- d. All other deadlines shall remain unchanged.

**BRIEF IN SUPPORT OF JOINT MOTION TO MODIFY INTERIM DEADLINES IN
THE CASE MANAGEMENT ORDER FOR THE FIRST TIME**

For the Parties' Brief in Support, the Parties rely on the contents of the above Motion.

Dated: September 27, 2023

Respectfully submitted,

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Dated: September 27, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2023, I electronically filed the foregoing document(s) using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

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